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**In the Supreme Court**  
OF THE  
**United States**

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OCTOBER TERM, 1978

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**No. 78-819**

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LAURENCE H. FROMMHAGEN, Petitioner,

vs.

THE UNITED STATES, Respondent.

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**SUPPLEMENTAL BRIEF**

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THE UNITED STATES, Respondent

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SUPPLEMENTAL BRIEF

In Support Of

PETITION FOR WRIT OF CERTIORARI

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Petitioner was informed by an assistant clerk of this Court on January 9, 1979, that the Government has not filed opposition to the Petition herein and that the Petition will be submitted soon to the Court for consideration.

It will be recalled that the UNITED STATES did not rebut convincingly the showing by petitioner that the Government had not been prejudiced by the delay in the filing of the suit nor did respondent oppose FROMMHAGEN'S motions for rehearing and for correction of the judgment.

This case is unique in that the antagonists to date have not been plaintiff and defendant. Defendant supported plaintiff to the extent that it only tepidly opposed FROMMHAGEN'S request for adjudication of his claims, and the Government, at considerable expense, was diligent in filing the

whole of the administrative record and requested judgment in its favor on the basis of that record. It has been the Court of Claims that appeared as plaintiff's adversary to the lamentable extent of publishing unnecessary, harsh and untrue rhetoric and of distorting the evidence filed by plaintiff.

Petitioner wishes to bring to the attention of this Court by way of this Supplemental Brief the following intervening matters.

1. The Honorable PAUL N. HALVONIK, Justice of the California Court of Appeal, First Appellate District, and HERBERT W. YANOWITZ, Esq., are in the process of sending to the Clerk of this Court letters in which they state categorically that they did not raise their fees "as a palliative to outright rejection" of petitioner, as suggested by the Court of Claims in its denial of petitioner's motion for rehearing, a copy of which is appended to the Petition herein as Exhibit B.

HERBERT W. YANOWITZ, as he stated in his affidavit filed with the Court of Claims, assisted FROMMHAGEN for years with little or no compensation and did not find petitioner the kind of litigant portrayed by the Court of Claims.

Petitioner respectfully requests the Court to take note of the forthcoming letters to the attention of the Court from Justice HALVONIK and from HERBERT W. YANOWITZ.

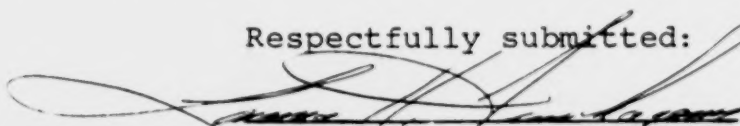
2. Petitioner brings to the attention of the Court the fact that he filed subsequent to the docketing of the Petition herein an action, pursuant to the Privacy Act,

against the Director of the Federal Bureau of Investigation in the United States District Court for the Central District of California (FROMMHAGEN vs. WEBSTER, CV-78-4507-MRP) to enjoin disclosure of records which show the real reasons for FROMMHAGEN'S dismissal from NASA in 1968. Petitioner also prays therein for damages in connection with the concealment, withholding and destruction of those records. The Department of Justice has admitted the destruction of NASA records by the Federal Bureau of Investigation during an administrative appeal by FROMMHAGEN to the withholding of those records. In his Petition herein FROMMHAGEN spoke of "another arena." It was to that new litigation that petitioner referred. That matter will follow a wholly separate course from the action in the Court of Claims.

Petitioner once again respectfully requests, now in the absence of any opposition from the UNITED STATES, that this Court remand the action to the United States Court of Claims on condition that it be adjudicated solely upon the facts in the administrative record and that any judgment rendered in favor of FROMMHAGEN be limited to a point in time when a judgment would have been issued had he been able to file in 1971 or 1972.

Dated: January 10, 1979.

Respectfully submitted:

  
LAURENCE H. FROMMHAGEN  
Pro Se